

# EXHIBIT “A”

TINA J. HOLLISTER and CHARLES	:	IN THE COURT OF COMMON PLEAS
HOLLISTER, husband and wife	:	OF THE 17 <sup>TH</sup> JUDICIAL DISTRICT
Plaintiffs	:	SNYDER COUNTY BRANCH
	:	
vs.	:	
	:	CIVIL ACTION - LAW
WAL-MART REAL ESTATE BUSINESS	:	
TRUST; WAL-MART STORES, INC.; WAL-	:	NO. CV-292-2017
MART STORES EAST, INC.; WAL-MART	:	
STORES EAST, LP; WAL-MART	:	
SUPERCENTER; and WAL-MART	:	
ASSOCIATES, INC.,	:	
Defendants	:	JURY TRIAL DEMANDED

**NOTICE TO DEFEND AND CLAIM RIGHTS**

**TO: WAL-MART REAL ESTATE BUSINESS TRUST; WAL-MART STORES, INC.; WAL-MART STORES EAST, INC.; WAL-MART STORES EAST, LP; WAL-MART SUPERCENTER; and WAL-MART ASSOCIATES, INC.**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims as set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR ATTORNEY AT ONCE. IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, GO TO OR**

**TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN  
GET LEGAL HELP.**

Court Administrator's Office  
Snyder County Courthouse  
9 West Market Street  
Middleburg, PA 17842  
(570) 837-4238

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ASSOCIATES, INC.,	:	
Defendants	:	JURY TRIAL DEMANDED

### **COMPLAINT**

AND NOW, come the Plaintiffs, Tina J. Hollister and Charles Hollister, by and through their attorney, Joel M. Wiest, Esquire, and who avers as follows:

1. The Plaintiff, Tina J. Hollister, is an adult individual with a current address of 533 Cold Run Hollow Road, Sunbury, Northumberland County, Pennsylvania.

2. The Plaintiff, Charles Hollister, is an adult individual with a current address of 533 Cold Run Hollow Road, Sunbury, Northumberland County, Pennsylvania.

3. The Defendant, Wal-Mart Real Estate Business Trust, is a business corporation with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

4. The Defendant, Wal-Mart Stores, Inc., is a business corporation with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

5. The Defendant, Wal-Mart Stores East, Inc., is a business corporation with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

6. The Defendant, Wal-Mart Stores East, LP, is a limited partnership with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

7. The Defendant, Wal-Mart Supercenter, is a fictitious name of Wal-Mart Stores East, LP with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

8. The Defendant, Wal-Mart Associates, Inc., is business corporation with a place of business located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania.

9. At all times relevant hereto, Defendants were engaged in the business of retail sales at their store located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania location.

10. At all times relevant hereto, Defendant Wal-Mart Real Estate Business Trust was the landowner of the property upon which the retail store was located.

11. On or about July 11, 2015, Tina J. Hollister, as a business invitee, was at the store located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania owned and/or operated by the Defendants for the purpose of retail sales therein.

12. On said date, the Plaintiff, Tina J. Hollister, had completed her shopping and paid for her cart full of items and was walking towards the exit of the store located near the grocery aisles, when she fell on the floor which was soaking wet with water coming from an ice machine.

13. The Plaintiff, Tina J. Hollister, suffered and continues to suffer from serious and permanent injuries to her back, neck, shoulder area, left leg and left ankle, sustained as a result of the aforesaid fall.

14. Defendants either knew or should have known of the accumulation of water on the floor, which condition caused Plaintiff to fall, thereby causing her physical injuries.

**COUNT I – NEGLIGENCE**  
**PLAINTIFF, TINA J. HOLLISTER vs. DEFENDANTS**

15. The averments of Paragraphs 1 through 14 of the Plaintiff's Complaint are incorporated herein as though set forth at length.

16. The Plaintiff was a business invitee in a retail store owned/operated by the Defendants, and was owed a duty of care by the Defendants.

17. The aforesaid incident constituted a breach of duty by Defendants, and was directly and proximately caused by the negligence and carelessness of Defendants, which duties, breaches, and causes consisted, among other things, of the following:

- a. in failing to properly maintain the premises of their business; and,
- b. in failing to properly mark/post the dangerous condition in their business for the purpose of warning business invitees thereof; and,
- c. in failing to properly fix the dangerous condition in their business; and,
- d. in allowing a dangerous and hazardous condition to develop and remain in the their business; and
- e. in negligently and carelessly maintaining their business in such a manner that a dangerous condition was created and permitted to exist; and
- f. In failing to properly train employees on the methods of preventing said dangerous conditions from being created and/or allowed to exist.

18. The Defendants knew or should have known that Plaintiff, Tina J. Hollister, as a business invitee, would rely upon them to properly maintain their business in a condition free and clear of any dangerous conditions, and/or mark/post any dangerous condition for the purpose of warning business invitees thereof.

19. The Plaintiff, Tina J. Hollister's, injuries have caused permanent, serious damage to her body, as set forth above, which injuries may never totally heal and will cause permanent impairments to the Plaintiff, Tina J. Hollister.

20. The Plaintiff, Tina J. Hollister has endured pain and suffering, loss of enjoyment and loss of life's pleasures as a result of her injuries.

21. As a further result of the aforesaid conditions and accident, Plaintiff Tina J. Hollister has suffered medical expenses and costs.

22. The Plaintiff, Tina J. Hollister has also suffered loss of income and employment opportunities and had her life disrupted by her injuries.

23. The Plaintiff, Tina J. Hollister makes claim for past and future pain and suffering, loss of life's pleasures, inconvenience, medical expenses, lost wages, and humiliation as a result of the negligence of the Defendants.

24. The Plaintiff, Tina J. Hollister's injuries are the direct and proximate result of the dangerous condition at Defendants' place of business.

WHEREFORE, the Plaintiff, Tina J. Hollister, demands judgment against the Defendants in an amount in excess of the statutory limit for arbitration, together with delay damages, costs of suit and such other relief as is just and equitable under the circumstances.

**COUNT II – LOSS OF CONSORTIUM**

**PLAINTIFF, CHARLES HOLLISTER v. DEFENDANTS**

25. Paragraphs 1 through 24 of the Plaintiff's Complaint are incorporated herein by reference.

26. As a result of Defendants' negligence, Plaintiff, Charles Hollister has been deprived of the society, companionship, contributions, and consortium of his wife to his great detriment and loss.

27. As a result of Defendants' negligence, Plaintiff Charles Hollister has incurred and will in the future incur large medical bills and expenses to treat his wife's injuries.

28. As a result of Defendants' negligence, Plaintiff, Charles Hollister has also suffered loss of income and employment opportunities and had his life disrupted by his wife's injuries.

29. As a result of Defendants' negligence, Plaintiff Charles Hollister has suffered a disruption in his daily habits and pursuits and a loss of enjoyment of life.

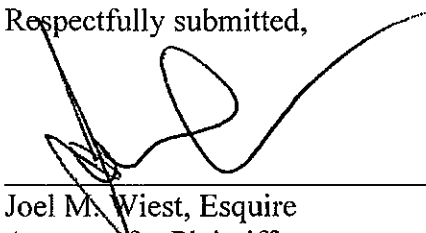
WHEREFORE, Plaintiff Charles Hollister demands judgment against the Defendants in an amount in excess of the arbitration limit together with interest, costs, and delay damages.

WHEREFORE, the Plaintiff, Charles Hollister, demands judgment against the Defendants in an amount in excess of the statutory limit for arbitration, together with delay damages, costs of suit and such other relief as is just and equitable under the circumstances.

Respectfully submitted,

Date:

10/20/17

  
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Joel M. Wiest, Esquire  
Attorney for Plaintiffs  
Attorney ID #81984  
5 North Second Street  
Sunbury, PA 17801  
Telephone: (570) 286-4022

**VERIFICATION**

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 10/20/17

  
Tina J. Hollister

Date: 10/20/17

  
Charles Hollister


**CERTIFICATE OF SERVICE**

I, Joel M. Wiest, do hereby certify that on this date I caused to be served a copy of the foregoing Complaint upon the following person(s), at the following location(s) and in the following manner:

U.S. Mail, First Class, Postage Prepaid:

Candace N. Edgar, Esquire  
Thomas, Thomas & Hafer, LLP  
P.O. Box 999  
Harrisburg, PA 17108

Date: 10/20/17

  
\_\_\_\_\_  
Joel M. Wiest  
Attorney for Plaintiffs